

# **(كتاب الصيام)**

## **Book of Fasting**

From the Book

### **الدرر البهية في المسائل الفقهية**

للإمام العلامة محمد بن علي الشوكاني

## **Crystalline Gems of Islamic Jurisprudence**

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## Introduction

All Praise be to Allah alone and prayers and peace in abundance be upon the most noble of all the prophets and messengers, our leader Muhammad along with his family and companions until the day of judgement.

As for what follows, my brother, the teacher and preacher Mohammed Ibrahim Hussain brought to my attention this short, brief text enlisting some of the rulings related to fasting so I read it and found it to be a useful treatise, beneficial to those residing in countries where there are very little truthful preachers who are well-grounded in the sciences of Shariah - the Qu'ran and the Sunnah - and I criticise not but one ruling, in which there is a difference of opinion, the issue of: One who died whilst fasting is still due on him, he has his guardian fulfil the fast on his behalf.

Our mother 'Aa'ishah, a group of Taabi'een (the followers of the sahabah) and many of the scholars (of Islam) considered the correct view to be that the hadith is referring to the person who died whilst an unfulfilled fast which he had vowed was still due, such an individual has his guardian fast on his behalf. As for someone who died whilst fasting (for any other reason) is still due on him, then it is recommended to give expiation (on his behalf). But another group of scholars considered the more correct view to be what the author of this book has mentioned.

May Allah reward the author (Imam Shawkani) for what he has done to raise awareness amongst the Muslims and spread the knowledge of Islamic sciences in the foreign lands. May Allah reward him and accept it from him.

Written by brother Umar bin Masood bin Umar bin Hadouch Al-Hadouchi Al-Maghribi.

## Book of Fasting - كتاب الصيام

- يَجِبُ صِيَامُ شَهْرِ رَمَضَانَ:
- لرؤية هلاله من عَدَلٍ.
- أو إكمالِ عِدَّةِ شَعْبَانَ.
- ويصومُ ثلاثين يوماً ما لم يَظْهَرْ هِلالُ شَوَّالٍ قَبْلَ إِكْمَالِهَا.
- وإذا رآه أهلُ بلدٍ لَزِمَ سائرُ البلادِ المُوَافَقَةُ.
- وعلى الصائمِ النيةُ قَبْلَ الفجرِ.

Fasting the month of Ramadan become obligatory: Once the crescent of Ramadan is seen by a trustworthy Muslim; otherwise, by completing the days (total of 30 days) of Sha'baan.<sup>1</sup>

A total of 30 days are to be fasted so long as the crescent of Shawwal isn't seen before its completion.<sup>2</sup>

If the inhabitants of a certain country see the crescent of Ramadan (and begin their fast), all other conforming countries must also follow suit.<sup>3</sup>

The individual fasting must make his intention (to fast) before fajr (dawn).

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<sup>1</sup> **Sahih:** Recorded in Sunan Abi Dawud (no. 2342) - Chapter: Regarding The Testimony of a Single Person About Seeing the Crescent of Ramadan. Graded Sahih by Shaykh Albani in I'rwaa al-Ghaleel (no. 908)

<sup>2</sup> **Sahih:** Recorded in Sahih Bukhari (no. 1906) - Chapter: "Start observing Saum on seeing the crescent of Ramadan, and stop on seeing the crescent (of Shawwal)."

<sup>3</sup> **Sahih:** Recorded in Sahih Muslim (no. 1087) - Chapter: Each land has its own sighting of the moon, and if they see the crescent in one land, that does not necessarily apply to regions that are far away from it.

## فصل

- يبطل:

- 1- بالأكل.
- 2- والشرب.
- 3- والجماع.
- 4- والقيء عَمداً.

### Section: Actions that nullify the fast.

**(The following) nullify the fasting:**

- 1) Eating
- 2) Drinking<sup>4</sup>
- 3) Sexual intercourse<sup>5</sup>
- 4) Intentional Vomiting<sup>6</sup>

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<sup>4</sup> **Sahih:** Recorded in Sahih Bukhari (no. 669) - Chapter: If someone does something against his oath due to forgetfulness.

<sup>5</sup> **Sahih:** Recorded in Sahih Bukhari (no. 1936), chapter: Sexual intercourse with wife in Ramadan and the expiation of that. The expiation is: One frees a slave and if not able then fast two consecutive months and if not able to then feed sixty miskeen (poor and needy).

<sup>6</sup> **Sahih:** Recorded in Sunan Tirmidhi (no. 720) - Chapter: What Has Been Related About One Who Vomits Purposely. Graded Sahih by Shaykh Albani in Sahih al-Jami' as-Sagheer (no. 6234)

- وَيَحْرُمُ الْوَصَالُ.  
- وعلى من أفطرَ عَمْدًا كفارةً ككفارةِ الظَّهَارِ.

**(The following are prohibited:)**

- Wisal (continuing the fast through the night into the next day) is forbidden.<sup>7</sup>
- As for the one who deliberately breaks his (obligatory) fast, he must expiate for as one does for Zihhaar.<sup>8</sup>

- وَيُنْدَبُ:

- 1- تعجيلُ الفطورِ.
- 2- وتأخيرُ السَّحُورِ.

**(The following) is preferred:**

- 1) Hastening to break the fast.<sup>9</sup>
- 2) Delaying the pre-dawn meal (Suhoor).<sup>10</sup>

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<sup>7</sup> **Sahih:** Recorded in Sahih Bukhari (no. 1965) - Chapter: The punishment for the person who practices Al-Wisal very often.

<sup>8</sup> **Reference:** This concerns who invalidates his fasting by sexual intercourse during the daytime of Ramadan; remembering the fasting whilst also knowing it is forbidden, the expiation is obligatory and the following is the expiation: 1 – Freeing a slave, 2 – Fasting two consecutive months, 3 – Providing food for 60 poor people. If one can not do the first, then one is to move to the second and so on if not able. Refer to Sahih Bukhari (no. 1936), chapter: Sexual intercourse with wife in Ramadan and the expiation of that. The expiation is: One frees a slave and if not able then fast two consecutive months and if not able to then feed sixty miskeen (poor and needy).

<sup>9</sup> **Sahih:** Recorded in Sahih Bukhari (no. 1957), chapter: To hasten the Iftar.

<sup>10</sup> **Sahih:** Recorded in Sahih Bukhari (no. 575), chapter: Time of the Fajr (early morning) prayer. Sahih Muslim (no. 1097a), chapter: The virtue of Suhoor, which is recommended. It is recommended to delay it and to hasten the breaking of the fast.

## فصل

- يَجِبُ عَلَى مَنْ أَفْطَرَ لَعُذْرٍ شَرْعِيٍّ أَنْ يَقْضِيَّ.
- وَالْفِطْرُ لِلْمَسَافِرِ وَنَحْوِهِ رُخْصَةٌ إِلَّا أَنْ يَخْشَى التَّلَفَ، أَوْ الضَّعْفَ عَنِ الْقِتَالِ فَعَزِيمَةٌ.
- وَمَنْ مَاتَ وَعَلَيْهِ صَوْمٌ صَامَ عَنْهُ وَلِيُّهُ.
- وَالْكَبِيرُ الْعَاجِزُ عَنِ الْأَدَاءِ وَالْقَضَاءِ يُكْفَرُ عَنْ كُلِّ يَوْمٍ بِإِطْعَامِ مَسْكِينٍ.

### Section: Rules on making up missed fasts

One who breaks his fast due to a legitimate reason must make it up.<sup>11</sup>

Breaking the fast for the one on a journey or the like, is permitted unless he fears he will perish or weaken (in his ability to continue) fighting, in which case its a must (to break the fast).<sup>12</sup>

As for one who dies and still has upon him days of fasting he has to make up for, his guardian is to fast them on his behalf.<sup>13</sup>

The old and unable, who can neither fast nor make up for them, are to perform expiation for each day by feeding a miskeen (poor and destitute individual).<sup>14</sup>

<sup>11</sup> **Qur'an:** Surah Baqarah 2: 185

<sup>12</sup> **Sahih:** Recorded in Sahih Muslim (no. 1120) - Chapter: The reward of the one who does not fast when travelling if he does any tasks that are required.

<sup>13</sup> **Sahih:** Recorded in Sahih Muslim (no. 1148a) - Chapter: Making up fasts on behalf of the deceased.

<sup>14</sup> **Sahih:** Recorded in Sahih Bukhari (no. 4505) – Chapter: Prophetic Commentary on the Qur'an (Tafseer of the Prophet).

## باب صوم التطوع

- يُسْتَحَبُّ صِيَامُ:

1- سِتٌّ مِنْ شَوَّالٍ.

2- وَتِسْعَ (مِنْ) ذِي الْحِجَّةِ.

3- وَمُحَرَّمٍ.

4- وَشَعْبَانَ.

5- وَالْاِثْنَيْنِ وَالْخَمِيسِ.

6- وَأَيَّامَ الْبَيْضِ.

7- وَأَفْضَلُ التَّطَوُّعِ صَوْمُ يَوْمٍ وَإِفْطَارُ يَوْمٍ.

## Chapter 2: Voluntary Fasting

It is recommended to fast:

- 1) Six days of Shawwal<sup>15</sup>,
- 2) The nine days of Dhul-Hijjah<sup>16</sup>,
- 3) The month of Muharram<sup>17</sup>,
- 4) The month of Sha'ban<sup>18</sup>,
- 5) Mondays and Thursdays<sup>19</sup>,
- 6) The white days (13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> of every lunar month)<sup>20</sup>.
- 7) The best form of voluntary fast is fasting every other day.<sup>21</sup>

<sup>15</sup> **Sahih:** Recorded in Sahih Muslim (no. 1164a) - Chapter: It is recommended to fast Six Days in Shawwal following Ramadan.

<sup>16</sup> **Sahih:** Recorded in Sunan Abi Dawood (no. 2347) - Chapter: Regarding Fasting the Ten (Days). Graded Sahih by Shaykh Albani in Sahih Sunan Abi Dawood (no. 2129)

<sup>17</sup> **Sahih:** Recorded in Sahih Muslim (no. 1163a) - Chapter: The virtue of fasting Muharram.

<sup>18</sup> **Sahih:** Recorded in Sahih Bukhari (no. 1969) - Chapter: Saum (fasting) in the month of Sha'ban.

<sup>19</sup> **Sahih:** Recorded in Sunan Abi Dawood (no. 2436) - Chapter: Regarding Fasting Monday and Thursday. Graded Sahih by Shaykh Albani in Sahih Sunan Abi Dawood (no. 2128)

<sup>20</sup> **Sahih:** Recorded in Sahih Bukhari (no. 1178) - Chapter: To offer Salat-ud-Duha when not traveling. Sahih Muslim (no. 721a) - Chapter: It is recommended to pray Duha, the least of which is two rak'ah, the best of which is eight, and the average of which is four or six, and encouragement to do so regularly.

<sup>21</sup> **Sahih:** Recorded in Sahih Bukhari (no. 1131) - Chapter: Sleeping in the last hours of the night. Sahih Muslim (no. 1159k) - Chapter: Prohibition of Fasting for a lifetime for the one who will be harmed by that or who

## - ويكره:

- 1- صَوْمُ الدَّهْرِ.
- 2- وإفراد يوم الجمعة و يوم السبت.

### It is disliked to:

- 1) Fast The Dahr (i.e fasting every day of ones life with the exception of the days of prohibition).<sup>22</sup>
- 2) Single out a Friday<sup>23</sup> or Saturday for fasting.<sup>24</sup>

- 1- ويحرم صوم العيدين.
- 2- وأيام التشريق.
- 3- واستقبال رمضان بيوم أو يومين.

### (It is prohibited to fast)

- 1) It is prohibited to fast the two Eids<sup>25</sup>
- 2) The days of Tashreeq (11th, 12th and 13th of Dhu'l-Hijjah)<sup>26</sup>
- 3) One or two days before Ramadan begins.<sup>27</sup>

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will neglect other duties, or does not break his fast on the two 'Ids or during the days of At-Tashriq; It is better to fast alternate days.

<sup>22</sup> **Sahih:** Recorded in Sahih Muslim (no. 1159f) - Chapter: Prohibition of Fasting for a lifetime for the one who will be harmed by that or who will neglect other duties, or does not break his fast on the two 'Ids or during the days of At-Tashriq; It is better to fast alternate days.

<sup>23</sup> **Sahih:** Recorded in Sahih Bukhari (no. 1985) - Chapter: Observing Saum (fast) on Friday.

<sup>24</sup> **Sahih:** Recorded in Sunan Abi Dawood (no. 2421) - Chapter: The Prohibition of Specifying Saturday for Fasting. Graded Sahih by Shaykh Albani in I'rwaa al-Ghaleel (no. 960)

<sup>25</sup> **Sahih:** Recorded in Sahih Bukhari (no. 1991, 1992) - Chapter: Observing Saum on the first day of 'Eid-ul-Fitr.

<sup>26</sup> **Sahih:** Recorded in Sunan Abi Dawud (no. 2418) - Chapter: Fasting The Days of At-Tashriq. Graded Sahih by Shaykh Albani in Sahih Sunan Abu Dawud (no. 2113)

<sup>27</sup> **Sahih:** Recorded in Sahih Bukhari (no. 1914) - Chapter: Not to observe Saum for a day or two ahead of Ramadan.



## باب الاعتكاف

يُشَرَّعُ لِلصَّائِمِ فِي كُلِّ وَقْتٍ فِي الْمَسَاجِدِ.  
- وَهُوَ فِي رَمَضَانَ آكِدٌ.  
- سَيِّمًا فِي الْعَشْرِ الْأَوَاخِرِ مِنْهُ.

### Chapter of I'tikaf (Seclusion for Worship in the Mosque)

I'tikaf is legislated for the fasting person: within the confines of mosques, at all times.

- It is more emphasized during the month of Ramadan.
- Especially the last 10 days (of Ramadan).<sup>28</sup>

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<sup>28</sup> **Sahih:** Recorded in Sahih Bukhari (no. 2020) - Chapter: To search for the night of Qadr in the odd nights.

- وَيُسْتَحَبُّ:

- 1- الاجتهادُ في العملِ فيها.
- 2- وقِيَامُ ليالي القَدْرِ.
- ولا يَخْرُجُ الْمُعْتَكِفُ إِلَّا لِحَاجَةٍ.<sup>29</sup>

**It is recommended that one:**

- 1) Make every effort in carrying out good deeds during these days
- 2) Stands for prayer in the night of Al-Qadr.<sup>30</sup>
- The person indulged in i'tikaf cannot leave except for a necessity.<sup>31</sup>

## End of the Book of Fasting

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<sup>29</sup> **Reference:** Arabic text taken from:

تحقيق: محمد بن حسن بن عبد الله آل مبارك  
[https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiss9r-0\\_HTAhWTF8AKHTVpDj4QFggiMAA&url=https%3A%2F%2Fd1.islamhouse.com%2Fdata%2Far%2Fih\\_books%2Fsingle%2Far\\_aldr\\_albahia.doc&usg=AFQjCNHGYWoeMFv9yK8TCS1FqOulO4armg](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiss9r-0_HTAhWTF8AKHTVpDj4QFggiMAA&url=https%3A%2F%2Fd1.islamhouse.com%2Fdata%2Far%2Fih_books%2Fsingle%2Far_aldr_albahia.doc&usg=AFQjCNHGYWoeMFv9yK8TCS1FqOulO4armg)

<sup>30</sup> **Sahih:** Recorded in Sahih Bukhari (no. 35) - Chapter: To establish the (Nawafil - voluntary) prayers on the night of Qadr is a part of faith.

<sup>31</sup> **Sahih:** Recorded in Sahih Bukhari (no. 2029) - Chapter: Mu'takif not to enter the house except for a need.